

Michael W. Scronic 79605-054
FCI Fort Dix
Federal Correctional Institution
Satellite Camp
P.O. Box 2000
Joint Base MDL, NJ 08640

District Judge Honorable Cathy Seibel
Federal Building and United States Courthouse
300 Quarropas Street
White Plains, NY 10601-4150

January 5, 2021

EMERGENCY MOTION FOR MODIFICATION OF SENTENCE

Case Name: USA v. Scronic

Case Number: [7:18-cr-00043-CS](#)

Dear Judge Seibel,

I, Michael Scronic, pro se, respectfully petition the Court to grant this renewed motion for modification of sentence, pursuant to the compassionate release statute, with whatever conditions of release the Court sees fit, to remove me from the deadly conditions at FCI Fort Dix Prison Camp during this third and worst COVID-19 outbreak.

In your November 30th decision to deny my Motion for Compassionate Release, you conceded that "*There is no doubt that BOP has failed to keep the virus out of FCI Fort Dix. Of the approximately 2750 inmates there, 303 are currently positive, according to the BOP website. And social distancing is all but impossible in prison.*"

Since then - over the course of just four weeks - we have incurred another 287 officially-reported positive cases, according to the (notoriously under-reported) BOP website, which as of 12/28/20, states that there are currently 590 inmates and 14 staff members with positive Covid cases at FCI Fort Dix. News channels are labeling Fort Dix's latest outbreak as "*the worst outbreak to date and the worst among the country's federal prisons.*" (Source: The Gothamist, Karen Yi, 12/31/2020)

The Prison Camp was also infiltrated again by this virus, thanks to a staff member's defiance and the BOP's negligence, creating a situation that is once again, dire, in an area of Fort Dix where upwards of 60 men sleep in one room, without windows and where air circulation does not exist, making social distancing even less possible than the "*all but impossible*" situation you described at the low-security building.

For the past three months, a kitchen officer who comes in close contact with kitchen staffers and the food served to each inmate multiple times a day, has defiantly refused to wear a mask. Several of us wrote up the officer to staff but saw no change to his behavior. Thanks to this sustained negligence by the BOP, that same kitchen officer became Patient Zero at the Prison Camp, when he tested positive on 12/19. Four days later, on 12/23, several kitchen workers complained of being sick and were told that their temperatures would be taken on 12/24 - a full day later! On 12/24, temperatures were taken for all inmates on Side A, and six registered high temperatures, including the three who had complained of fevers on 12/23. Staff chose to test only those six with high temps, and all six of them tested positive and were removed that same morning. That afternoon - without first testing the remaining inmates who'd been sleeping in open-bay style housing with the six who'd tested positive and been removed - the Warden ordered the Prison Camp to begin a strict lockdown, and 120 total inmates were "quarantined" in two groups of 60 - Side A and Side B. On that day, myself and 25-30 of my fellow inmates requested precautionary COVID tests - per CDC guidelines. A full three days later, we were denied. (See Exhibit A)

Starting on 12/25, at least 8 inmates on the B-side of the Prison Camp were visibly and seriously sick - confined to their beds and unable to get up for food. On the A-side where I am, I have witnessed near-constant coughing and vomiting from many inmates, with 3 on our side bedridden. On 12/26, we heard that there were 800 positive confirmed cases in the Low Security facility next door, and that all but two of the buildings there were infiltrated by the virus. What is terrifying and inexcusable is that the BOP knowingly allows Staff to move freely between the Low Security to the Prison Camp, and when the kitchen guard was essentially permitted to do so without a mask, the BOP knowingly put our lives at risk. One can't help but wonder at this point, if it is by design.

Finally, on 12/28, all inmates on the B-side were given COVID tests. For some unknown reason, results were delayed until today. On 1/4/21 - a full week after tests were administered - 31 of the 60 men on that side received positive COVID test results. It does not take a genius to know that the other 29, who have been locked into a windowless room with those 31 positive patients, are surely by now positive as well. To say this has been mismanaged would clearly be an understatement. This is negligent homicide and will one day be acknowledged as such.

Meanwhile, as of this writing no one on the A-side - where I am - has received a COVID test, despite our many written requests to the doctor on site. Sadly, your 11/30 hopeful expectation that “even BOP has learned a lot since April” appears to have been proven incorrect.

Judge Seibel, I appreciated your response even as I may have disagreed with your decision to deny my original Motion for Compassionate Release. I read your argument thoroughly and considered all your points. Finally, I noted that you said, *“I recognize that a combination of factors might reach [the level of extraordinary and compelling circumstances], even if none of them do so individually... I will assume for purposes of this motion that they do.”*

With that point established, you went on to base your denial on the § 3553(a) factors, namely the limited amount of time served, the egregious nature and circumstances of my crime, my lack of expressed remorse, and the lack of just and sufficient punishment as a deterrent to others. With those understandable points in mind, I must make another plea that you help me get out of this life-threatening situation. I am asking for any modification of sentence, pursuant to the compassionate release statute, with any and all conditions of release that you can feel comfortable with (monitored confinement to my sister’s home, employment restrictions, mandatory service or deterrent-based public speaking work, etc.), and that would sufficiently maintain the duration of the sentence, exact my deserved punishment, and act as a proper deterrence for others; I just want you to please help me to stay alive.

In terms of remorse... I have remorse. I am not a very expressive person and am not used to outwardly expressing myself; my remorse is in my mind and in my heart. I have kept it private, but nurtured its growth as I have been transformed through this humbling and important journey. I realize that my silence has been construed as a lack of remorse; as long as I keep silent, I rob my victims - my friends - of the small comfort of knowing I feel pain for what I did to them.

I think about my victims every single day, almost every single hour. My victims were not nameless, faceless people. Many had been my best friends for 20, 30, even 40 years. I was close to their spouses, their children, their parents. Frequently, deliberately, I pull out a spiral notebook and scribble thoughts down. Sometimes I jot down one of the life moments I shared with a victim and his family. Other times, I write down something from my crime, a particular trade that lost all of their money, or a lie I told to get their inflow. I began this journaling process during the 12-steps in my addiction recovery, to write down in totality how I hurt people through my addiction, and I’ve continued - partially because it

is working to help me face the cold cruelty of my actions, and partially because I had hoped to one day share those thoughts with my former best friends.

As an important aside, I acknowledge that I speak about my addiction often, and I recognize that not everyone accepts addiction as a reality. I, however, am forced to take addiction seriously. Addiction snuck up on me. I cannot let that happen again. Ever.

But, when I say I am an addict, it doesn't mean in any shape or form that I absolve myself of my crime. I own every aspect of my crime. I know I hurt the most important people in my life. I will never be able to do a sufficient amount of penance to make up for what I did, but the one thing I must work extremely hard at every single day is to NOT allow myself to use addiction as an excuse to do anything like this - ever again.

Achieving remorse has been a process for me, and a gradual one. One thing that has surprised me is the important positive aspect of my punishment that gave me the forced reflection time to get to this mental place. I can finally agree that I didn't have remorse upon my arrest. I remember in the first minutes of my arrest, telling the FBI "I am a good guy", and thinking to myself with great hubris, that I would just call one of my victims and they would make it all better by confirming to the FBI that I was, indeed, "a good guy". As if somehow, that would be enough.

When the FBI agent told me that if I had \$22MM somewhere they would leave the house and drop the charge, my first thought was to call Gideon, one of my best friends and a victim himself, to see if he would wire over \$22MM to plug the loss. I was completely callous toward Gideon's financial loss, but even more importantly, to his pain and hurt that were caused by my lies and abuse of our friendship.

Another thing I am now deeply sorry for - but did not see as a problem at the time - was when I impulsively used the American Express Credit to hire a more experienced, and absurdly expensive divorce lawyer. A few weeks after my arrest, my now ex-wife had won an Emergency Order of Supervision against me in Court which gave her sole custody of our son and required me to use a supervisor whenever I was with him. I was devastated and desperate, feeling my world crumble around me. I write this now not as an excuse, but rather to remind myself of how it felt when I felt so justified in taking that credit and using it "to get my son back" rather than paying restitution or continuing to steal money that wasn't mine. Once again that familiar feeling of hubris rises up in my mind; I recall thinking that "my friends would understand - they would want me to have time with MJ." I now recognize that was yet another selfish act in a string of selfish acts that put myself and my grandiose ideas of entitlement ahead of everyone and everything else.

Ultimately, my crime is bookended by two particularly monumental breaches of trust - those two in particular that were most deeply egregious. The two closest people in my life at that time, my wife, Ashley, and my best friend, Jimmy, were betrayed by me.

Before the start of my actual crime, I traded away the last of the savings I had in a joint account that I had been purposely blocked from accessing. While Ashley slept, I snuck into her wallet, removed her ATM card, guessed the pass code, and wired money from the account into my trading platform. I did this over the course of eight mornings, over three weeks' time, too-quickly depleting the full \$400,000. When Ashley noticed one morning that the account was empty, she called me downstairs. I blatantly lied to her. "I bought gold!" I said. "Banks are unsafe to hold our money in and I became super nervous. I'll return the money once this passes over." In my mind, I justified that lie as unimportant, so long as I was eventually able to make our money back. But, of course I should never have used our shared savings in the first place. I should never have betrayed her by using her PIN code. I should never have lied. I should have said the truth, since that was the right thing to do - the moral thing to do. But I didn't choose the right thing; I chose to deceive my wife. I loved Ashley with everything I had. Yet, I chose to lie to her that day and continually thereafter. Since my arrest, every time I pick up the phone to call MJ, I think first of Ashley. The intense pain and hurt I caused her - that she hasn't yet recovered from - is one of the things I am most sorry for. I still frequently cry in my bunk at night over what I did to Ashley. I ruined her life.

Jimmy was my best friend, with 42 years of friendship logged. He was also my last victim, sending me \$50,000, just six days before my arrest. I had always held on to some moral code that I would never give Jimmy the hard sell. This is something I used to pride myself on, but now I see that the pride for holding out is severely misplaced. The reality is that I went there. Even that shred of moral code was violated. In September of 2017, my trading account was empty for two weeks without any prospects for new money. I caved and groveled for Jimmy's cash. I did it at his house, during his wife's 40th birthday party. Rather than spend the evening with him, celebrating his wife and family, I was absolutely relentless, giving Jimmy no choice but to send me money. On October 1st the inflow came, and within days I'd already squandered half. When I was arrested, it was Jimmy's money - the \$23,000 that was left of it - that remained until forfeited to restitution, a daily reminder for me of that final betrayal to the very best friend I ever had in the world. I think of Jimmy nearly every day. I think of his mom. I used to call their house 2-3 times a day throughout my childhood, and his mom answered the phone almost every time. When older, I would call Jimmy's house over the holidays, to hear his mother, in a very excited and sweet tone, "Mike, how are you? We miss you. What is going on?" We would talk comfortably for a few minutes, exchanging stories... and now I'm the kid that grew up to steal from her son. Jimmy's mother is a victim too, in a way. Almost all of the parents are

- the families of my lifelong friends whom I deceived. I don't understand how I could have done this. What kind of person throws all that good stuff away?

I remember like it was yesterday, when Matt Hein, a victim, said to me as we stood next to MJ's swing set, "You are the most moral, the most honest of my friends." I stood there silently, knowing that Matt's investment with me was long lost, that the statements he was receiving from me each quarter were utterly false. But, I was not willing to tell him the truth, even with that perfect opportunity to come clean. I chose to continue my crime. Matt is a friend that most likely will never come back, no matter how hard I try, how much I hope to be wrong. I lied to Matt not just by that swing set, but for years, over and over again, all the while knowing that honesty was all that Matt asked of me.

I think of my mother running through the streets of New York City, with \$50,000 cash and a heart full of irrational faith in her son, to find a bank that could wire her money to me the fastest, so as not to miss the payout from the market crash I was predicting. A week later, when the market crash hadn't come, my mother was rightfully concerned about her investment. Again, I lied. "I changed my mind at the last minute and went into cash," I said; when in fact, her \$50,000 was already gone. My mother - the one I swindled and lied to - has written me an email every single day while I've been here, making sure I'm okay, getting fed, sleeping well, staying healthy. Each time I see her name, my first thought is of her as one of my victims; I think first of my lies. Only after a skipped, heart-wrenching beat, do I think about her as my mother.

I have remorse.

I think of my own 40th surprise birthday party nearly a decade ago, when so many of my closest friends - at my wife's invitation - flew in from all parts of the country to celebrate me. I recall the moment that I entered the room to see them all - close to 100 people - beaming, smiling, joyously yelling "Surprise!" And during that moment that should have been a highlight of my life when all of this expressed love for me was present, I was seized instantly by an enormous surge of guilt. Standing there, taking in the love and the friendship, all of the trading losses, the false reports, and the thievery, came up together from the depths of my belly, as I looked into the jubilant victims' eyes. I stood there frozen as time stood still for what felt like a long, long time. I hated the feeling within me. I hate that I thought for a split second about coming clean to them all and outing myself as a fraud, but didn't have the guts to do what would have been right. Instead, I didn't say a word. I went into a dramatic and ridiculous slide across the floor and stood up at the foot of the bar. My victims cheered. My crime continued.

I refer to that moment as a fleeting moment of clarity. I didn't have many of those during the years of my crime. But at that moment, as I surveyed the room, there was no

addiction, no delusion, no false pretense that it was all going to work itself out; I knew I was deceiving them. I knew I was stealing from my best friends. I knew the truth and I chose to do nothing. That moment exemplifies why I agree with you, Judge Seibel, that I deserve to be punished. That moment is why I will continue to think of my victims every single day. That moment is why I have remorse.

I have remorse, and am doing the things necessary to ensure that I always will keep that remorse with me.

I agree that justice needs to be served. I must be punished for my crimes. My victims deserve to gain peace through my punishment; they deserve that peace which is essential as a stepping stone in their recoveries to undo the damage I have done.

All of that is true. And yet, the situation with COVID here is dire, and the punishment of death that I may very well receive is not one that I deserve. My potential death from COVID will not bring peace to my victims; instead I believe it would only cause them more pain, precisely because of the many years of friendship we shared. I understand that it is my fault, for having preyed upon my closest friends in the first place. But what they deserve is to see me express my remorse to them. They deserve the possibility of reconciliation, forgiveness and redemption - however unlikely it may be. They deserve to watch me spend the rest of my life trying.

I can't be left to die in here. My death in here would forever tilt that scale of justice that you reference, to create a whole new set of victims that didn't want me to die in here under your watch. The closeness I abused, the friendship I shared with my victims, of course makes my crime more cruel, but it also provides a hopeful future of payback. Please don't take that possibility away from us. Reconciliation, redemption, forgiveness, have to be the final goal, and that goal - however lofty - is dependent on my survival.

I ask you to re-create my incarceration in any fashion you think would address the nature and seriousness of my crime, that would serve as just punishment, that would honor sentencing guidelines. Do anything you need to do, to give my victims the closure they need, but please, don't let me die in here.

I am, - literally - begging you.

Sincerely,



Michael W. Scronic